

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 6/12/02 Item.

File Number
PDC01-03-048

Application Type
Planned Development Rezoning & Prezoning

Council District
7

Planning Area
South San Jose

Assessor's Parcel Number(s)
455-08-004, -025, -026, -028, -033, -036

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Teresa Estrada

Location: Southwest corner of Monterey Highway and Curtner Avenue

Gross Acreage: 165.14

Net Acreage: 165.14

Net Density: N/A

Existing Zoning: R-1-8 Residence; LI-Light Industrial;
HI-Heavy Industrial

Existing Use: Oak Hill Memorial Park

Proposed Zoning: A(PD) Planned Development

Proposed Use: Master Plan for Oak Hill Cemetery for up to 82,781 square feet of new construction for mausoleum and administrative offices

GENERAL PLAN

Completed by: Teresa Estrada

Land Use/Transportation Diagram Designation
Private Open Space

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: Teresa Estrada

North: Industrial and commercial uses

HI-Heavy Industrial and CO-Commercial Office

East: Commercial and light industrial uses

A(PD) Planned Development and LI-Light Industrial

South: Mobile Home Park

A(PD) Planned Development

West: Vacant

County

ENVIRONMENTAL STATUS

Completed by: Teresa Estrada

☐ Environmental Impact Report found complete
☒ Negative Declaration circulated on 6-12-02
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: Teresa Estrada

Annexation Title: Monterey Park No. 14A

Date: January 28, 1957

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT

David J. Anderson,
Service Corporation International, Inc.
10621 Victory Boulevard
North Hollywood, CA 91606

OWNER

DEVELOPER

PUBLIC AGENCY COMMENTS RECEIVEDCompleted by: Teresa Estrada

Department of Public Works

See Final Memo dated May 17, 2002.

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The developer, Service Corporation International, Inc., is requesting a Planned Development Rezoning and Prezoning of 165.14 gross acres from the R-1-8 Residence, LI-Light Industrial, and HI-Heavy Industrial Zoning Districts to A(PD) Planned Development for a Master Plan of Oak Hill Memorial Park with up to 73,781 square feet of new construction for cemetery/mortuary and administrative office uses. This rezoning proposes development for the future build out of the entire site to occur over twenty or more years.

The project site consists of six parcels. The Home of Peace Cemetery located along Monterey Road as well as the Chinese Cemetery located toward the northwest corner of the project site, are separate entities and are not included in the proposed rezoning/prezoning. A small 2-acre parcel (APN 455-08-020) completely surrounded by Oak Hill is owned by the County of Santa Clara is also not included in the proposed rezoning. A 4,800 square foot mausoleum was approved in Fall 2001 under a Conditional Use Permit (CP01-02-010) along Parkview Drive. A Conditional Use Permit (CP97-06-035) was approved to allow construction of the Asian Stateroom at the northwesterly corner of the property. This permit has since expired and the Asian Stateroom is now included in the subject project.

Although the majority of the site is flat, the southwest portion of the site has moderate topography with slopes ranging up to 35 percent. Oak Hill is bounded by heavy industrial and commercial office uses to north. Commercial and light industrial uses exist to the east. Chateau La Salle Mobile Home Park is located to the south of the cemetery site. To the west of Oak Hill Cemetery is vacant land currently in the County, but is the subject of a pending Planned Development Prezoning (File No. PDC02-042), and Annexation (File No. Monterey Park No. 104) for up to 399 single family attached dwelling units. The adjacent project, referred to as Dairy Hill, is part of the Communications Hill Planned Community. The subject property is not located within the Communications Hill Planned Community.

Parcel 455-08-025, consisting of 1.1 gross acres, located at the northwesterly portion of the site, is currently unincorporated. Although an annexation application is not on file for this small portion of the project site, Planning Staff anticipate that this section will be included in the adjacent annexation (Monterey Park No. 104) on file for the proposed single family attached project to the west.

Project Description

The purpose of the proposed rezoning/prezoning is to facilitate the long-term expansion or build-out plans for the facility to be implemented over a 20-year period. It will also facilitate development of the cemetery by allowing a more streamlined process than requiring a Conditional Use Permit each time an

addition to the cemetery is proposed. The project consists of the construction of up to 8,900 square feet of administrative office space proposed near existing offices at the northerly side of the property along Curtner Avenue. The addition of up to 73,781 square feet of new mausoleum space is proposed on the southerly half of the site adjacent to the mobile home park and on the hillside area. Thirty-six (36) separate mausoleums are proposed to range in size from 100 square feet to 8,800 square feet and will be use for the interment of human remains.

No cremation services are proposed or allowed with the project. All parking for the proposed use will be accommodated in new parking areas, existing on-site parking lots, and along the interior driveways of the cemetery.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and a Negative Declaration was circulated by the Director of Planning on May 23, 3002. The primary environmental issues that were addressed include: 1) historic resources, 2) archaeology, 3) biotics, 4) geologic hazards, 5) air quality, 6) and hazardous materials. Mitigation measures identified in the Mitigated Negative Declaration have been incorporated into the project to reduce potentially significant impacts to less than significant levels.

Historic Resources

A historic evaluation was performed by Dill Design Group for the project site and concluded that the site and a number of structures would be eligible for listing on the National Register of Historic Places (NHRP), the California Register of Historical Resources (CRHR), and local landmark status due to the significance of much of its architecture and its associations with persons significant in the early development of San Jose and California. The proposed rezoning of the property to allow additional construction of mausoleums and administrative office space could result in a significant adverse effect on the environment.

The report concluded that smaller mausoleums and other structures developed within the historic areas of the cemetery have a greater chance of impacting the context of the site. The potential impact of these additions, alterations, or any future removals of structures or changes to the historic areas of the site would not adversely effect the historic character if done in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Refer to the analysis section below for more detailed information.

The proposed rezoning/prezoning was reviewed by the Historic Landmarks Commission (HLC) on June 5, 2002. A supplemental memo regarding the HLC's review of the project will be forwarded to the Commission upon receipt of their comments and recommendations.

Archaeology

A cultural resources evaluation performed on the project site revealed that archaeological resources were present as historic burials and grave markers that were noted in and under the surface of the property. No prehistoric resources were identified in the surface reconnaissance performed. The proposed rezoning could have significant impacts on the historic integrity and data at the cemetery on

unique archaeological resources unless mitigated. To avoid potential loss of these resources at the cemetery, the report recommended that formal copies of all records in the offices at Oak Hill Memorial Park, containing very important locational and historic information, be made and archived for future study. Also, programs and policies should be developed by a qualified archaeologist to locate, maintain, preserve, and record grave markers to avoid their being lost, and to review the placing of new graves and headstones in the historic cemetery areas. Additionally, the project will be conditioned with standard procedures if cultural resources, including prehistoric resources, are encountered during construction of the project. Refer to the analysis section below for more detailed information.

Biotics

The project site is underlain by serpentine rock and soils, which generally comprise potential habitat for the Bay checkerspot butterfly. A survey of the project site was performed to determine if dwarf plantain, the main host plant for the Bay checkerspot butterfly exists on the site. Dwarf plantain was not detected during the survey of the project site and outlying areas of the cemetery. The site was deemed unsuitable for Bay checkerspot butterfly due to lack of this host plant. Further, no special-status plants within the study area were found. The project site is not suitable for the special-status serpentine-endemic plants observed elsewhere in the county. There will be no impacts to biological resources as a result of the proposed project.

Geologic Hazards

The project site is located within a geologic hazard zone. The study indicates that there are no major geologic hazards at the site, no known active fault traces extend through the property and no major landslides on the site, however, minor geologic hazards associated with secondary seismic effects are possible. Localized land sliding, ground shaking, fault rupture, liquefaction, and lateral spreading are occasionally present at the site. These can be easily mitigated with prudent design and standard construction techniques to reduce potential impacts to less than significant levels. Additionally, the project, including subsequent PD Permits, shall comply with the Certificate of Geologic Hazard Clearance issued by the Department of Public Works dated May 16, 2002.

Air Quality

The hillside portions of the project site are underlain by serpentine rock and soils which are known to contain naturally occurring asbestos that is anticipated to be encountered during grading or construction activities. An asbestos dust monitoring plan (ADMP) was prepared for the site and will be required to be implemented during activities associated with the planned grading and construction of the mausoleum. Mitigation measures, including a monitoring program, identified in the ADMP are included as conditions of the project to reduce the impact to non-significant levels.

Hazardous Materials

Formaldehyde is currently used on the project site. There are no plans to alter the current level of use as part of this rezoning. The cemetery currently follows a hazardous materials business plan. A hazardous materials storage permit is required for the proposed project in accordance with the Fire Department requirements. Use or storage of hazardous materials, liquids, gases and/or chemicals will be subject to

meeting the requirements of the Hazardous Materials Storage Ordinance, the Toxic Gas Ordinance, the applicable sections of the San Jose Fire Code, and the National Fire Codes.

GENERAL PLAN CONFORMANCE

The proposed use is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram Designation of Private Open Space in that the proposed project is mausoleum and office additions to an existing cemetery, which are allowed uses in that designation. Private Open Space is designated for privately-owned lands used for low intensity, open space activity primarily within the Urban Service Area. Cemeteries such as Oak Hill Memorial Park are appropriate uses for this category.

The Hillside Development Policies were developed to protect and guide development of those hillside areas around the city. The subject site is located in the vicinity of the Communications Hill Planned Community, an area that allows urban development above the 15% slope line, away from the main hillsides that circle the valley. As with Communications Hill, the hillside development policies do not apply to the subject site since it is located outside the main hillsides that ring the valley.

ANALYSIS

The primary issues related to the proposed rezoning/prezoning include: 1) historic resources and potential impacts, and 2) the project's compatibility with the surrounding neighborhood.

Historic resources and potential impacts

Oak Hill Memorial Park is listed on the City's Historic Resources Inventory as Eligible for Listing on the National Register of Historic Places (NRHP). It is also noted as listed on the Santa Clara County Historical Heritage Resource Inventory of the County Historical Heritage Commission.

The historic report prepared by Dill Design Group identified that the Great Mausoleum located on the hill near the southwest corner of the site and the Chapel of Roses, near the project entrance on Curtner Avenue, qualify for listing on the NRHP and the CRHP (California Register of Historic Places) due to their distinctive design. These structures, evaluated per the City of San Jose's Historic Resource Evaluation procedure, both attained a score of 124.30, making them Candidate City Landmarks. The 1901 Mausoleum at the terminus of Machpeich Avenue is significant architecturally and is eligible for individual listing on the CRHP. It received a score of 95, making it also eligible for a City Landmark Designation. Planning staff has encouraged the owner to consider City Landmark designation.

A number of other existing structures on the property added to the project site in the late 1950's to early 1970's are not considered historically significant. These include the maintenance building and monument yard, Hillside mausoleums (Garden Crypts), and the Japanese Columbarium. The Administrative Building/Chapel of the Oaks, the Community Mausoleum, and the Sales Office Building at the corner of Curtner and Monterey, evaluated per the City of San Jose's Historic Resource Evaluation procedure, could be eligible for listing as Structures of Merit on the City's Inventory.

An archaeological report was prepared to evaluate the presence of significant archaeological resources. No prehistoric resources including Native American burial remains were identified during the surface

reconnaissance. The report revealed that historic resources were present as historic burials and grave markers were noted in and under the surface of the property. Based on the archaeological report, Oak Hill Memorial Park appears to be potentially eligible for inclusion in the NRHP, CRHR, and appears to be eligible for listing in the City of San Jose's Historic Resources Inventory as a Candidate City Landmark due to the historic information containing very important locational and historic information pertaining to the development of San Jose and California at the site.

The historic report indicated that smaller mausoleums developed within the historic areas of the cemetery would have an impact on the context of the site. However, the potential impact of these additions, alterations or changes to the historic areas of the cemetery would not adversely effect the historic character if done in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. There are no direct impacts to any existing resources or structures. No existing structures will be relocated. To ensure protection and preservation of historic resources, planning staff included the above as a condition on the land use plan. Further, Planned Development permits required for this project, will contain additional detail regarding any alterations/additions to the historic buildings, and will be referred to the Historic Landmarks Commission for comment prior to any public hearing.

Compatibility with the Surrounding Neighborhood

To ensure compatibility with existing and proposed residential uses adjacent to the cemetery, staff has recommended that new structures provide 1.5 feet of setback for each 1 foot of building height, similar to the requirement per the Commercial Design Guidelines. Setbacks for the proposed structures adjacent to Monterey Road and Curtner Avenue are proposed at 25 feet, similar to the requirement per the Church Location Policy.

Mausoleums proposed along the southwesterly portion of the site will be required to conform to the height definition of the zoning code, and shall not exceed 35 feet in order not to detract visual prominence of the existing structures located at the top of the hill. Building locations are subject to review at the PD Permit stage to ensure compatibility with adjacent uses and structures.

The proposed project conforms to the requirements of the Zoning Code in terms of setbacks and parking. The Zoning Code requires one parking space for each employee. Although a new parking area is proposed for the office at the northeast corner of the site, staff has concluded that existing parking will adequately serve the proposed new burial areas and office additions. Adequate parking is provided for the existing uses on the site and there is adequate room on existing interior driveways of the cemetery.

Staff will review requirements for upgrades to the existing chain link fence, street trees, and sidewalks, along both project frontages at the Planned Development Permit stage. Cremation service is not proposed or allowed as part of this project.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site.

COORDINATION

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning and prezoning the subject site for the following reasons:

1. The proposed rezoning and prezoning conforms to the subject site's General Plan Land Use Diagram Designation of Private Open Space.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.
4. The project is compatible with existing and future land uses in the area.
5. The project includes prezoning of 1.1 gross acres that will facilitate annexation of an unincorporated portion of the site.

Attachments: Location Map, Mitigated Negative Declaration, Public Works Memo, Plans.

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